

William M. Isbell Ad # 108113

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CLERK U S DISTRICT COURT  
DISTRICT OF ARIZONA  
BY \_\_\_\_\_ E DEPUTYIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONAWilliam M. Isbell,Plaintiff,v.Justin Hughes et al,Defendants,No. CIV-04-2242-PHX-JAT (Vam.)STATEMENT OF FACTS IN SUPPORTOF PLAINTIFF'S MOTION FORPARTIAL SUMMARY JUDGMENT-AND-DENYING DEFENDANT'S CROSSMOTION.

Plaintiff HEREBY SUBMITS THE FOLLOWING STATEMENT OF FACTS IN  
SUPPORT OF HIS MOTION FOR PARTIAL SUMMARY JUDGMENT ON  
LIABILITY. "EXHIBITS A-RR ATTACHED"

1. INTERNAL AFFAIRS CASE LOG INVOLVING 1-16-03 CITIZENS  
COMPLAINT OF JUSTIN HUGHES, BY SOPHIA CAMPOS. PG 26 "A"
2. INTERNAL AFFAIRS CASE LOG INVOLVING REPORT OF  
JUSTIN HUGHES DATED 1-16-03 REGARDING DISOBEYING DIRECTOR ORDER  
TO DISCONTINUE VEHICLE PURSUIT WHICH HUGHES DID NOT DO AS  
A RESULT CAUSING \$6,000 DAMAGE TO PATROL VEHICLE. PG. 27 "B"
3. INTERNAL AFFAIRS CASE LOG INVOLVING 3/30/04 CITIZENS  
COMPLAINT OF JUSTIN HUGHES, BY RAQUEL COSTANZA PGS 36 & 40 "C"
4. FORMAL LETTER ADDRESSED TO MR. BJ CORNWALL, CITY  
MANAGER DATED 5-26-2005 AND COMPLAINT FILED 9-28-05  
IN MARICOPA COUNTY SUPERIOR COURT ALLEGING SEVERAL ALLEGATIONS  
"D"

5. COVER SHEET DATED 11-30-05 FROM CARROLL BURACKER & ASSOCIATES, INC. ("CBI STUDY TEAM") "E"
6. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING "STUDY METHODOLOGY". REPORT # AUD000017 "F"
7. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" LISTING IN DEPTH "BACKGROUND REPORTS" OF AUDITORS REPORT # AUD000018 - AUD000022. "G"
8. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" STATING "EMPD IS QUITE DYSFUNCTIONAL", HAS BEEN MISMANAGED FOR YEARS, "HAS HAD NO SUPERVISOR IN INVESTIGATIONS FOR ONE YEAR" REPORT # AUD000039. "H"
9. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING "EVIDENCE BEING LEFT ON DETECTIVES DESK WHILE NOT IN OFFICE," AS WELL AS OTHER ALLEGATIONS. REPORT # AUD000044. "I"
10. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" "EMPD P&P MANUAL NOT RELATED TO EMPD", "EMPLOYEES STATED THAT THEY WERE NOT TRAINED ON THE POLICIES," "CITY HAS CURRENT LIABILITY WITH CURRENT POLICIES". REPORT # AUD000046-47 "J"
11. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" STATES. "TEAM HAS NEVER SEEN SUCH A DYSFUNCTIONAL DEPARTMENT," "AS MANAGED, SUPERVISED, AND STAFFED, THE TEAM HAD VERY SERIOUS CONCERNS". REPORT # AUD000056 "K"
12. REPORT FROM 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING "LEADERSHIP AND MANAGEMENT", "CRIMINAL INVESTIGATION SELECTION PROCESS FOR DETECTIVES", "SUPERVISION OF DETECTIVES." REPORT # AUD000080 & AUD000213. "L"

13. REPORT OF 2005 AUDIT CONDUCTED BY "CBI" STATES: "THERE IS A MAJOR DISCONNECT BETWEEN WRITTEN POLICIES AND PROCEDURES AND THE ACTUAL PRACTICES WITHIN THE DEPARTMENT!"

REPORT # AUD 00319. "M"

14. REPORT OF 2005 AUDIT CONDUCTED BY "CBI" FOUND: "BASED ON REVIEW OF PRACTICES IN THE EMPD THERE IS INCONSISTENCY AND A LACK OF KNOWLEDGE ABOUT SPECIFIC POLICIES BY A SUBSTANTIAL NUMBER OF SWORN PERSONNEL." REPORT # AUD 00324. "N"

15. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING "FOLLOW-UP PRACTICES", "CASE MANAGEMENT", "TRAINING".

REPORT #'S AUD 00214-217. "O"

16. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" STATES: "THERE IS NO ACCOUNTABILITY IN THE DEPARTMENT". REPORT # AUD 00329.

17. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING AZ POST CERTIFICATION RECORDS. REPORT # AUD 00355. "Q"

18. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" STATES: "THE STUDY TEAM LACKS CONFIDENCE THAT IN-SERVICE TRAINING AND THE TRAINING RECORDS ARE AT THE LEVEL REQUIRED AND EXPECTED." REPORT # AUD 00356. "R"

19. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" FOUND "APPLICANTS WERE HIRED WHO SHOULD NOT HAVE BEEN".

REPORT # AUD 00345. "S"

20. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING "LABOR MANAGEMENT RELATIONS" REPORT # AUD 00376. "T"

21. REPORT OF 2005 POLICE AUDIT CONDUCTED BY "CBI" REGARDING "CIVIL CASES PENDING AND PAID OUT FOR LIABILITY", "CAUSES".

REPORT # AUD 00377, -78 & AUD 00393. "U"

22. REPORTERS TRANSCRIPTS DATED 5/17/2004 STATE OF AZ V. William ISBEI PG 31. COURT STATED "NO BROKEN PELVIS!" "V"
23. REPORTERS TRANSCRIPTS DATED 5/13/2004 STATE OF AZ V. William ISBEI PG 134. JODIE ISBEI TESTIFIED " PLAINTIFF WAS BACK HOME 2 DAYS AFTER THANKSGIVING 11/27/03." "A"
24. DEFENDANTS ANSWER TO PLAINTIFF'S COMPLAINT IN THIS CASE OFFICERS CLAIMED TO BE AT PLAINTIFF'S HOME TO ARREST PLAINTIFF ON AN OUTSTANDING WARRANT DATED 6-27-2005. "X"
25. REPORTERS TRANSCRIPTS DATED 5-17-04 STATE OF AZ V. William ISBEI PG 54 JUSTIN HUGHES TESTIFIED " HE WAS AT PLAINTIFF'S HOME ON 12/12/03 CONDUCTING FOLLOW-UP!" "Y"
26. AFFIDAVIT SUBMITTED BY JUSTIN HUGHES STATES ON LINE 3 HE AND GALLANT WERE AT PLAINTIFF'S HOME ON 12/12/03 FOR "Follow-up". "Z"
27. DEFENDANT HUGHES RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES QUESTION 14 PLAINTIFF ASKED HUGHES " IF HE WAS THE INVESTIGATIVE OFFICER ON 11/18/03 INCIDENT " HUGHES RESPONSE WAS "NO". ON PG 8-9 "AA"
28. REPORTERS TRANSCRIPTS DATED 5-17-04 STATE VS. ISBEI JUSTIN HUGHES TESTIFIED " HE WAS INVESTIGATIVE OFFICER OF 11/18/03 INCIDENT " PG'S 50-51. "BB"
29. DEFENDANTS RESPONSES TO PLAINTIFFS "REQUEST FOR ADMISSIONS" QUESTION 8, PG 3, "CC"
30. DEFENDANTS RESPONSES TO PLAINTIFF "SUPPLEMENTAL INTERROGATORIES" QUESTION 1 PG 1 & 2 "DD"

31. CALLS FOR SERVICE EMPD DATED 12/12/03 SHOWING DEFENDANTS ARRIVED AT PLAINTIFF'S HOME AT 16:04:03. "EE"
32. TRUE AND ACCURATE TESTIMONY OF 'A.C' DATED 12-28-05 DEPOSITION: PG'S 17-20, 33-36, 37-40. "FF"
33. JODIE ISBELLS AFFIDAVIT DATED 8-3-2005 STATED "LIGHTS WERE ON, DRESSER DRAWERS OPENED, CALLER ID BOX ERASED AND THE FACT 'AC' DENIED GIVING DEFENDANTS CONSENT TO ENTER OR SEARCH." PG'S 1-2. "GG"
34. CALLS FOR SERVICE DATED 12/12/03. "ARRIVED ON SCENE 16:04:03, STAGED W/B WINDROSE FROM 124 AVE 16:36:02" 32 MINUTES IN PLAINTIFF'S HOME. PG 1-2. "HH"
35. TRUE AND ACCURATE TESTIMONY FROM DEPONENT WILLIAM ISBELL DATED 12-19-2005. PG 25 LINES 4-14. "II"
36. EMPD POLICY AND PROCEDURE NO 4.16 PG 12 OF 15 SUBSECTIONS A, C, D, H, I. AND APPROVED DEPARTMENTAL FORM REQUIRING EMPLOYEES TO HAVE SIGNED IF THEY HAVE "CONSENT TO SEARCH". "JJ"
37. EMPD POLICY DEFINITION OF "PROTECTIVE SWEEPS" AND REQUIREMENTS AND LIMITATIONS OF. PG 13 OF 15 "KK"
38. NARRATIVE REPORT DATED 12/12/03 # 302281-000 BY SUSAN GALLANT PG. 1. "LL"
39. EXHIBITS ATTACHED TO JODIE ISBELLS DEPOSITION DATED 1-19-06 CONFIRMING SEARCH AND EVENTS SURROUNDING EXCESSIVE FORCE CLAIMS OF PLAINTIFF (3 PAGES) "MM"
40. EMPD POLICY AND PROCEDURE NO 1.03 "USE OF FORCE" PG 13 OF 21 REGARDING "DISPLAY OF FIREARMS AND RISK TO BYSTANDERS." "NN"

41. EMPD POLICY AND PROCEDURE "USE OF FORCE" POLICY NO 1.03 PG 9 OF 21 REGARDING THE USE AND DEPLOYMENT OF CANINES. SEE EXHIBIT "OO".

42. MARICOPA COUNTY MEDICAL CENTER HOSPITAL RECORDS OF PLAINTIFF DATED 1-13-05. PG 1-88 "SUICIDE ATTEMPT DUE TO SEVERE DEPRESSION BY DRUG OVERDOSE" SEE EXHIBIT "PP".

43. HOSPITAL RECORDS OF JODIE ISBELL DATED 3/25/04 FROM NEXT CARE URGENT CARE. "TREATMENT FOR PAIN IN L. KNEE, AND ARM, " DUE TO ASSAULT BY THE DEFENDANTS. SEE EXHIBIT "QQ".

44. CALLS FOR SERVICE RELATED TO PLAINTIFF'S HOME FROM 9-16-2002 THRU 12-04-2003 "NOTE ACTVY CODES". SEE EXHIBIT "RR".

RESPECTFULLY SUBMITTED THIS 11<sup>th</sup> DAY OF MAY 2006

By: William M. Isbell

William M. Isbell